

Message Text

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SUBJ: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED
ABROAD

REF: STATE 147704

1. PUBLIC DEFENDER WILL BE PROVIDED GRATIS TO ANY PRISONER,
REGARDLESS OF NATIONALITY, IN EACH OF THE FOLLOWING CASES:

A. CASE INVOLVES A FELONY WITH A POSSIBLE SENTENCE OF OVER
3 YEARS IMPRISONMENT AND THE DEFENDENT IS NOT REPRESENTED
BY PRIVATE COUNSEL.

B. THE DEFENDENT IS UNDER THE AGE OF 16 AND IS NOT REPRESENTED
BY PRIVATE COUNSEL.

C. THE JUDGE FEELS THAT THE NAMING OF A PUBLIC DEFENDER IS
REQUIRED BY THE FACTS OF THE CASE.

D. THE DEFENDENT REQUESTS THAT A PUBLIC DEFENDER BE NAMED
AND THE JUDGE CONCURS.

2. PUBLIC DEFENDERS ARE NOT GOVERNMENT ATTORNEYS, BUT PRIVATE
ATTORNEYS ASKED BY THE COURT TO DEFEND THE ACCUSED. THE
ATTORNEYS CAN REFUSE THE REQUEST. THE JUDGE IS NOT REQUIRED
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TO APPOINT A PUBLIC DEFENDER IF HE BELIEVES THAT THE
DEFENDENT HAS THE FINANCIAL MEANS TO HIRE PRIVATE COUNSEL.

3. AS PUBLIC DEFENDERS ARE PRIVATE ATTORNEYS, THE QUALITY
OF PUBLIC FUNDED LEGAL ASSISTANCE IS EQUIVALENT TO THAT OF
PAID, PRIVATE COUNSEL. IN EACH CASE, CHANCE FACTORS AS TO
COMPETENCE OF THE INDIVIDUAL ATTORNEY DETERMINE THE QUALITY OF

THE DEFENSE. THE ONE DRAWBACK TO HAVING A PUBLIC DEFENDER APPOINTED IS TIME, AND THERE IS USUALLY A LAG OF SEVERAL DAYS WHILE AN ATTORNEY IS SELECTED BY THE COURT, CONTACTED, AND ENTERS THE CASE.

4. THIS INFORMATION WAS PROVIDED TO US BY THE ISRAELI MINISTRY OF JUSTICE.

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